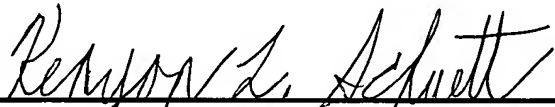


### REMARKS

The specification has been amended to include the ATCC deposit information. The receipts from ATCC are attached. Claims 1, 7, 9 and 45 have been amended to state the ATCC accession number. No new matter is included in these amendments.

Applicant respectfully requests entry of the foregoing amendments to the specification and claims.

RESPECTFULLY SUBMITTED,					
NAME AND REG. NUMBER	Kenyon L. Schuett, Reg. No. 44,324				
SIGNATURE				DATE	April 30, 2004
Address	Jondle & Associates P.C. Suite 200, 9085 East Mineral Circle				
City	Centennial	State	CO	Zip Code	80112
Country	U.S.A.	Telephone	303-799-6444	Fax	303-799-6898

**AMERICAN TYPE CULTURE COLLECTION**

10801 University Blvd.  
Manassas, VA 20110-2209  
Telephone: 703-365-2700  
Fax: 703-365-2745

**FACSIMILE**

**Date:** April 7, 2004

**To:** Kenyon L. Schuett  
**Fax Number:** 303-799-6898

**From:** ATCC Patent Depository **Number of pages:** 1 (Including this page)

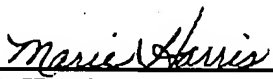
**REFERENCE:** Patent Deposit (Ref: Docket or Case No.: 1305-023)

**Description:** Cucumber Cucumis sativus: 8D-5079 assigned PTA-5897

**Date of Deposit:** March 26, 2004

The ATCC Certificate of Deposit will be forwarded to you within 30 days. An invoice will be sent under separate cover referencing check no. 71047 as follows:

Total Fees for PTA-5897	\$ 2,500.00
(Storage/informing/viability testing)	
Check No. 71047	<u>- 2,500.00</u>
Balance	\$ 0.00

  
\_\_\_\_\_  
Marie Harris, Patent Specialist  
ATCC Patent Depository

The information contained in this facsimile is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are notified that any dissemination or distribution, except to the intended recipient of this communication, is prohibited. If you have received this communication in error, please call us immediately at the telephone number listed above.

**AMERICAN TYPE CULTURE COLLECTION**

10801 University Blvd.  
Manassas, VA 20110-2209  
Telephone: 703-365-2700  
Fax: 703-365-2745

**FACSIMILE**

**Date:** April 29, 2004

**To:** Kenyon L. Schuett  
**Fax Number:** 303-799-6898

**From:** ATCC Patent Depository **Number of pages:** 1 (Including this page)

**REFERENCE:** Patent Deposit (Ref: Docket or Case No.: 1305-023)

**Description:** Cucumber Cucumis sativus: 8D-5079\*W83049 assigned PTA-5928.

**Date of Deposit:** April 20, 2004

The ATCC Certificate of Deposit will be forwarded to you within 30 days. An invoice will be sent under separate cover referencing check #71836 as follows:

Total Fees for PTA-5928  
(Storage/Informing/viability testing)

\$ 2,500.00

Marie Harris, Patent Specialist  
ATCC Patent Depository

The information contained in this facsimile is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are notified that any dissemination or distribution, except to the intended recipient of this communication, is prohibited. If you have received this communication in error, please call us immediately at the telephone number listed above.